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## Sixth Committee

**Summary record of the 7th meeting**
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*Chairman*: Mr. Gómez Robledo ..... (Mexico)

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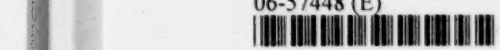

*The meeting was called to order at 10.15 a.m.*

**Agenda item 80: The rule of law at the national and international levels** (*continued*) (A/61/142)

1. **Mr. Barriga** (Liechtenstein) thanked all the delegations that had supported the joint request by Mexico and his country for the inclusion of the new item on the rule of law in the agenda of the General Assembly. The General Assembly's consideration of the rule of law would provide an opportunity to follow up on the commitments in that area made during the 2005 World Summit. Liechtenstein was deeply committed to the rule of law at the national and international levels. The rule of law encompassed both a procedural and a substantive aspect. The procedural aspect referred to an effective system of rules which was established in accordance with a higher set of rules and made legal decisions foreseeable to the greatest extent possible. The substantive aspect referred to the fact that the system of rules must reflect basic values of humanity, such as fundamental human rights.

2. For a small State, the rule of law was a question of essence, and at times even of survival, as it stood in opposition to the mere rule of power. At the international level, the work undertaken by the United Nations in the codification and development of international law represented a fundamental pillar of the rule of law. It was complemented by an impressive array of multilateral treaties concluded in the context of other international and regional organizations. Currently, the scope of international law was greater than ever before and touched upon virtually every aspect of life. That was a necessary development in the era of globalization, with the rule of law serving as a stabilizing factor in the interaction of Governments, organizations, companies and individuals.

3. However, the rapid development of international law and its sheer volume represented a challenge for many States which lacked the capacity to absorb international law fully into their domestic systems. The United Nations must clearly step up its technical assistance and capacity-building for the implementation of international law, expanding the scope of its activities and allocating adequate resources for them from the regular budget. The proposed rule of law assistance unit would be the appropriate place for the coordination of such activities. His delegation trusted that the plan to establish the unit would be implemented without further delay. Capacity-building on a bilateral basis could be equally valuable, particularly between States with similar legal systems. The United Nations could play a stronger role in coordinating such bilateral cooperation and collecting information regarding offers of and requests for technical assistance.

4. While the classic field of international law governing relations between States and between States and international organizations was well developed, as was the field of human rights law, much remained to be done in areas in which the activities of individuals or non-State entities were of concern to the international community. International criminal law, for example, was a relatively young discipline, and while it had seen a number of historic developments in the past decade — most prominently, the establishment of the International Criminal Court — those efforts needed to be continued, in particular through further ratifications of the Rome Statute and cooperation from States and from the United Nations system, especially in the areas of investigation and arrest. The work on the definition of the crime of aggression under the Statute deserved particular attention, and his delegation encouraged all States to participate actively in the open-ended Special Working Group dealing with that matter. Other areas deserving more attention in the context of international law included the responsibilities of transnational corporations and the activities of private military personnel. The International Law Commission would be well-placed to study ways of addressing those challenges.

5. The International Court of Justice, as the principal judicial organ of the United Nations, played a crucial role with regard to the rule of law. Liechtenstein greatly appreciated the work of the Court and called upon all States which had not yet done so to accept its jurisdiction in accordance with Article 36 of its Statute. His delegation also called upon the Court to consider ways and means of conducting its work more efficiently, allowing for more cases to be submitted and more decisions to be rendered per year, while maintaining the high quality of its work.

6. His delegation would welcome the adoption of a short resolution during the current session, underlining the central importance of the rule of law and requesting a report by the Secretary-General on the subject. The report might analyse the current status and trends of international law and identify existing and necessary future measures aimed at further strengthening the rule

of law, in particular through technical assistance and capacity-building. A stronger United Nations role in the area of the rule of law would require increased resources, both for the Office of Legal Affairs and for other parts of the United Nations system engaged in related activities. His delegation welcomed the proposal to choose a sub-topic for consideration by the Committee each year. A number of the topics that he had mentioned earlier would lend themselves to a more thorough examination, such as the future of international criminal law and the role of non-State actors in international law.

7. **Mr. Abdelsalam** (Sudan) said that he would not engage in a theoretical legal discussion but would focus on the applied aspects of the issue, which included the need for guiding principles and an enforcement mechanism. Guiding principles should be rigorous, objective and respectful of the cultural and religious characteristics of societies, and enforcement mechanisms should be coordinated between relevant United Nations agencies and their national counterparts within a consultative framework. in order for such a framework to be effective, the United Nations itself, which too often allowed the narrow interests of certain Members to predominate, needed to be reformed and commit itself to the rule of law in its internal functioning. National and regional experience in strengthening the rule of law should be taken into account, so as to bridge differences in approaches to jurisprudence. On a practical level, an integrated approach with working groups to tackle individual aspects should be adopted. Above all, the rule of law should not become a pretext for interference in the internal affairs of States and the application of political pressures by certain parties which shed crocodile tears over human rights while their hands were stained with the blood of innocents.

8. **Mr. Lauber** (Switzerland) expressed his delegation's satisfaction at the inclusion of the rule of law in the agenda of the Sixth Committee. Switzerland attached the greatest importance to the promotion of and respect for international law, which was the pillar of a just and peaceful international order. Promoting the rule of law was a fundamental and long-term undertaking which could only be advanced in a universal framework such as the United Nations. The General Assembly and its Sixth Committee should therefore play a leading role in the process, supported by the important work of the International Law Commission, with whose members the members of the Sixth Committee should strengthen their interaction. Clearly, however, all United Nations organs must respect and promote the rule of law in carrying out their functions.

9. For Switzerland, the concepts of the rule of law at the national level and the rule of law at the international level were complementary and interdependent, and the promotion of one helped to promote the other. There was already sufficient clarity regarding what the rule of law meant at the national level. In contrast, a basic concept of the rule of law in international relations, one that was sufficiently delimited and accepted, still did not exist. The definition of such a concept, or at least an outline of its main constituent elements, would make it possible to draft a coherent plan of action.

10. One of the measures that individual States could take to enhance respect for international law would be to recognize in their national legal systems the principle of the primacy of international law over national law and the obligation of all organs of the State to ensure, within the limits of their competence, that national law was consistent with the obligations of States under international law. The national courts, in particular, must strive to ensure respect for international law and must therefore have genuine enforcement authority.

11. At the same time, it was important to strengthen the capacity of all States to participate fully in international legislative processes in order to ensure the legitimacy and hence the universal acceptance of the laws adopted and thereby improve the possibilities for their implementation at the national level. The United Nations, along with other international organizations and individual States with sufficient resources, should provide technical assistance to States requiring such assistance, in conjunction with other public and private associations and organs of the State concerned. Concurrently, the General Assembly should improve its efficiency, focusing more on the substance of problems and less on their procedural aspects. In that connection, his delegation believed that consensus definitely did not require unanimity, and must not become an end in itself, as the Secretary-General had affirmed in his report "In larger freedom: towards development, security and human rights for all" (A/59/2005).

12. When the domestic mechanisms designed to ensure respect for a State's international obligations were not sufficient to prevent a conflict from arising,

the peaceful settlement of international disputes was obligatory, as one of the essential elements of the concept of the rule of law in international relations. The International Court of Justice was unquestionably at the heart of an international order based on the rule of law. Switzerland encouraged all States that had not already done so to accept the jurisdiction of the Court as compulsory, ipso facto and without special agreement, in relation to any other State accepting the same obligation, in accordance with the Court's Statute. The United Nations should also redouble its efforts to increase the number of States accepting that fundamental commitment.

13. Regarding the role of the United Nations Secretariat, Switzerland welcomed the activities already undertaken, particularly in the framework of the Strategy for an Era of Application of International Law — Action Plan. Switzerland strongly supported strengthening the Office of Legal Affairs, providing it with sufficient resources to enable it to carry out its functions in relation not only to promotion of the rule of law but also to the many legal aspects of United Nations activities in the field. The Office of Legal Affairs should also oversee the activities of the proposed rule of law assistance unit in promoting the rule of law in international relations so as to ensure the coherence of those activities within a global strategy.

14. Switzerland favoured the development of such a strategy and therefore welcomed the idea of asking the Secretary-General to prepare a report to form the basis for future discussions. The report might include an introductory conceptual analysis, suggesting a definition and delimitation of the concept of the rule of law at the international level. It might also include a list of current activities relevant to the subject and propose specific action for the coordination and future development of those efforts. The report should focus primarily on the role of the General Assembly and the Secretariat, but it would probably be useful also to consider the role and contribution of other organizations, such as the World Trade Organization and the Bretton Woods institutions, in relation to the rule of law. The report could be discussed by the Sixth Committee during the sixty-second session, after which the Committee might decide to concentrate on one or several specific topics during future sessions, thus establishing priorities.

15. **Mr. Alday** (Mexico) said that the rule of law lay at the heart of the 2005 World Summit Outcome, which had recognized the need for "universal adherence to and implementation of the rule of law at both the national and international levels" (A/RES/60/1, para. 134). However, the full import of those words could not be understood without a functional definition of the concept of the rule of law. The latter could be defined as the norm binding upon both the governing and the governed; it should be specific, public, prospective, generally applicable, stable and clear. Its function was to place limits on Governments. The rule of law (*état de droit*) was not the same as the state of the law, or legality (*état légal*), although the distinction was less obvious than it had once been, because of the current climate of relativism. For the rule of law to fulfil its proper function, there must be a general attitude of deference to the norm, an independent judicial authority to rule upon the law in a given situation, and a clear demarcation between the powers of the various authorities responsible for law and order. All too frequently, however, the subjects of the law regarded it as an alien transplant from one legal system to another, incompatible with the value system governing a particular community. The rule of law should therefore be defined as a common denominator of civilized international society, akin to "the general principles of law recognized by civilized nations" referred to in Article 38 (c) of the Statute of the International Court of Justice. The General Assembly could be requested to identify the elements of the rule of law at its next session, through a report by the Secretary-General based on the views of Member States. At the international level, the rule of law called for an international order based on compliance by States with international law, rather than a set of rules dictated by the Government in power or by emergencies. At the national level, the rule of law was essential to the organization of the State. It sought to ensure the proper exercise of State prerogatives through the separation of powers, to set legal limits to the use of authority, and to ensure that the laws adopted were non-retroactive, clear and precise, non-discriminatory and generally known to the public.

16. There was no fundamental conflict between State sovereignty and the rule of law, because the State was itself subject to the limits imposed by the rule of law, and had to respect the rights proper to other entities within the international system. Compliance by States with international norms was reconciled with their exercise of State sovereignty whenever they voluntarily undertook to be bound by the terms of a treaty, and whenever they were bound, in the absence of a treaty, by obligations *erga omnes* recognized by the international

community. Article 27 of the Vienna Convention on the Law of Treaties prohibited States from invoking internal law to justify a failure to comply with international law. Moreover, the jurisprudence of the International Court of Justice, in the *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Jurisdiction and Admissibility)* [1984], referred to the primacy of the rules in the Charter of the United Nations over all other international agreements.

17. The work of the International Law Commission relating to the codification and progressive development of international law was essential in order to define the international rules which served to strengthen the rule of law at the national level. However, treaties were not always effective in producing social change within States, either because States failed to adopt the necessary legislative or administrative measures to incorporate them into their internal law, or because the form in which they were incorporated was deficient in some way. In addition, some treaty rules, especially those which were not self-executing, called for further action by States to bring about full compliance at the national level. That was the case where conduct which was illicit under treaty law had to be criminalized in internal law, where the decisions of international courts had to be recognized and executed, and where the rules resulted in new rights for individuals. The United Nations and Member States were able to provide considerable technical assistance to States whenever it was needed in order to give effect to international law, and such assistance was especially necessary in building capacity for implementing human rights law. The United Nations could identify the treaties requiring the most administrative and legislative measures at the national level for their full implementation. It could also promote the preparation of legislative guides and model legislation or provisions, and training for government officials, legislators and judges involved in the application of treaty law.

18. Developments in international law had made it necessary to create specialized judicial organs, in addition to the International Court of Justice. It was sometimes argued that concurrent jurisdiction could result in the fragmentation of international law. He did not believe there was such a risk, because the jurisdiction of the courts and tribunals in question was expressly recognized by States, and they could not act outside the limits of that jurisdiction.

19. The rule of law was strengthened not only when disputes between States were referred to the various international courts, but also when the judgements of those courts were complied with. For that purpose, it was important to promote acceptance of the compulsory jurisdiction of the International Court of Justice, and the inclusion in international treaties of provisions for the referral to the Court, or to another tribunal, of any disputes which might arise from the application or interpretation of the treaties.

20. Decisions by international bodies should be accompanied by a statement of the facts prompting the decision and the reasoning which led to it. That was especially important in the case of resolutions of the Security Council, whether based on Chapter VI or Chapter VII of the Charter. In both cases, the decisions of the Council were governed by Article 25 of the Charter and were binding for the States concerned. The Council was, however, required to "discharge its duties in accordance with the purposes and principles of the United Nations" (Article 24 (2)). Notwithstanding the margin of discretion which it enjoyed, according to General Assembly resolution 3314 (XXIX), in determining the existence of acts of aggression under Article 39 of the Charter, the Council remained bound by the purposes and principles set out in Articles 1 and 2. When deciding that a threat to peace and security existed or that an act of aggression had been committed, the Council should refer to the international legal norm which had been violated and give legal reasons for its decision.

21. During the debate held in the Security Council on 20 June 2006, the representative of Mexico had proposed that more frequent use should be made of means of pacific settlement of disputes, in accordance with Chapter VI of the Charter, so as to leave no doubt that States were bound to comply with the obligation spelled out in Article 2, paragraph 3. When parties to a case before the International Court of Justice needed assistance to execute its judgment, the United Nations should provide it, and the Secretary-General should offer the necessary advice. There should also be more frequent recourse to the advisory jurisdiction of the Court, which had rendered valuable service to the international community. A recommendation could be made to the General Assembly to authorize the Secretary-General, acting on the same basis as a specialized agency, to request advisory opinions from the Court. The Security Council should refrain from

adopting decisions of a law-making kind. That was properly the function of the General Assembly, under Article 13 of the Charter. The Council could, however, encourage the General Assembly to codify and develop international law whenever it judged the existing legal framework to be inadequate to deal with threats to international peace and security.

22. He proposed that the Committee should continue its consideration of the current agenda item on an annual basis, identifying a limited number of sub-topics likely to strengthen the rule of law. The Secretary-General should be asked to prepare a report on each sub-topic chosen, accompanied by specific recommendations.

23. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, said that respect for an international order based on the rule of law and international law was essential for the attainment of all the goals pursued through the United Nations. The purposes and principles of the Charter, and international law itself, were the foundations for building a better, peaceful and prosperous world. He therefore welcomed the inclusion of the item in the Committee's agenda. However, the Charter principles could not become fully effective unless all States willingly complied with their international obligations.

24. At the international level, the rule of law was closely linked to the maintenance of peace; at the national level, it implied setting legal limits to the power of the State. It should also promote social interaction between citizens and their Governments, under a legal order founded on respect for human rights. State sovereignty and the international rule of law were not incompatible. The international obligations assumed by every State were based either on treaties, by which they consented to be bound, or on obligations *erga omnes*.

25. The rule of law at the international level required effective mechanisms for the peaceful settlement of disputes arising from the application or interpretation by States of international law. In that respect the role of the International Court of Justice, in both its contentious and its advisory jurisdictions, was crucial. The United Nations should have more frequent recourse to the Court's advisory jurisdiction. New international tribunals, including the International Tribunal for the Law of the Sea and the International Criminal Court, had become necessary as a result of the evolution of international law. The extension of international jurisdiction was itself a valuable contribution to the rule of law.

26. The General Assembly, another principal organ of the United Nations, had a law-making function under Article 13 of the Charter. As for the Security Council, all Member States were bound, under Article 25 of the Charter, to accept and carry out its decisions. That being so, it was important that the Council spell out the basis and reasoning of its decisions. The Council was itself required to act in accordance not only with Article 39, but also with Articles 1 and 2. When determining the existence of any threat to the peace, breach of the peace, or act of aggression, the Council should identify the norms of international law which had been violated.

27. United Nations activities aimed at strengthening the rule of law should not focus solely on conflict and post-conflict situations. The rule of law also applied to preventive action, through technical assistance in implementing international obligations and for building capacity in crucial areas such as criminal justice, human rights and combating terrorism, organized crime, drugs and corruption. The United Nations and its Member States could play an important role in all those areas.

28. **Mr. Getahun** (Ethiopia) said his Government attached the utmost importance to ensuring the rule of law as the foundation of good governance, democracy and sustainable development in Ethiopia. The Government had taken measures to reform the administration of justice, combat corruption, reform the civil service and improve the conduct of elections. It had also promulgated a revised Penal Code consistent with its international obligations.

29. Ethiopia remained committed to the principles of international law, particularly with regard to the peaceful settlement of disputes, respect for the sovereignty and equality of States and non-interference in their internal affairs. Respect for the international rule of law could be restored only by ensuring that States were held accountable for violations. In particular, violation of the prohibition of the use or threat of force should be met with punitive measures, and mechanisms for remedying the negative consequences should be made available to victims. Respect for the rule of law was crucial to the prevention and durable resolution of conflicts. His delegation therefore

supported the active consideration by the General Assembly of the issue at hand. At the same time, the Sixth Committee should avoid unnecessary duplication of the work of the other Main Committees and other United Nations organs.

30. The Committee could help to promote the rule of law by considering a number of issues. First, it might discuss different approaches to the implementation of international law through the sharing of Member States' experiences with a view to highlighting the hurdles faced and determining possible alternative approaches or the technical assistance needed. Another possible issue for discussion was the practice of States in the peaceful settlement of disputes and respect for the principles and purposes of the United Nations in general. The Committee could also discuss the reinforcement of international law through, inter alia, enhancement of the law-making process of the General Assembly so as to ensure wider participation of Member States in the codification and progressive development of international law and consensus on issues of common concern. Such efforts could include enhancing the participation of developing countries in the work of the International Law Commission.

31. Another appropriate topic for the Committee's consideration was ways of making customary international law more accessible through codification and consolidation in texts such as the recent publication of the International Committee of the Red Cross entitled *Customary International Humanitarian Law*. The Committee could also discuss the need for capacity-building with a view to improving the dissemination of international law. Lastly, it could consider developments in regional organizations relating to the rule of law, such as the recommendations of the Non-Aligned Movement and the advances made by the African Union with regard to resisting unconstitutional changes of government and the need for intervention in cases of genocide, war crimes and crimes against humanity.

32. International law should stand firm in the face of challenges and violations. Ethiopia would participate actively in the future consideration of the topic by the Sixth Committee and hoped that specific suggestions from the Secretary-General would be forthcoming.

33. **Mr. Markiman** (Malaysia) said that inclusion of the topic of the rule of law in the agenda of the General Assembly was a timely development, as current world events demonstrated clearly the need to re-emphasize respect for the rule of law, particularly at the international level. As Mr. Hans Corell, the former Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations had stated, knowledge of international law was the best protection that mankind could create against repeating the errors of the past.

34. The first steps towards instituting the rule of law at the international level must be the codification and progressive development of international law, so that all States were aware of their international obligations. Thanks to the work of a number of international bodies, there were currently very few aspects of State and individual relations that were not covered by codified international law. However, all States should be able to participate fully in that work so that the emerging principles of international law would gain global acceptance and adherence. Developing countries and countries emerging from conflict situations should be provided with the necessary resources and technical assistance to that end.

35. The next critical step was implementation at the national level. Malaysia, for its part, did not generally ratify or accede to international treaties until it had put in place the necessary legal and administrative framework to enable it to fulfil its obligations under such treaties. In that respect, it had benefited from the legislative guides issued by relevant international bodies and from information on the legislative approaches taken by other countries. The continued elaboration of legislative guides, especially for treaties of a highly technical nature, and the creation of an easily accessible database of national implementation laws would greatly facilitate the treaty accession process for many States. The provision of technical assistance and the holding of educative seminars should also be maintained.

36. Any hesitation on the part of Malaysia to ratify or adhere to certain international instruments did not indicate lack of commitment to the instruments concerned, but rather the desire to understand fully the obligations being entered into and to ensure that they were consistent with the Constitution and with national policies, interests and sovereignty. In many cases, Malaysia was able to comply with all except a few requirements of a treaty but was unable to accede to it because no reservations to the treaty were permitted. In such cases, Malaysia took practical steps to ensure that

its domestic laws and administrative mechanisms conformed to the international norms in question, even if it could not become a party to the treaty itself. Therefore, in order to promote adherence to the rule of law, the General Assembly and other bodies should study countries' implementation of their international obligations rather than insisting on mere "paper" adherence. Moreover, treaty bodies should focus on facilitating compliance instead of finding fault in a biased manner.

37. The rule of law was essential to maintaining trust in the international legal order and friendly relations among States. If States could not trust in other States' compliance with their international legal obligations, their own compliance would seem redundant. A level playing field was crucial if the rule of law was to prevail. There must also be a system of accountability for transgressions of international law and order, incorporating the principles of separation of powers and transparency.

38. Malaysia had the deepest regard for the international judicial bodies responsible for achieving the peaceful settlement of international disputes; indeed, it had had recourse to them in recent years. However, those mechanisms should not pre-empt the use of bilateral diplomatic negotiations to resolve treaty-related or other disputes. Nor should the use of bilateral mechanisms be misconstrued as a desire to avoid impartial third-party evaluation of the disputing parties' conduct. In most cases, bilateral mechanisms were the cheaper and more practical option, and did not rule out the possibility of subsequent third-party adjudication if the need arose. However, any referrals of international or internal situations that were or could be a threat to international peace and security should be made expeditiously, so that the relevant bodies could use the ancillary powers available to them, such as the issuing of advisory opinions or the imposition of interim measures, to prevent the escalation of the dispute as well as adjudicating on the disputed issues.

39. His delegation supported the proposal in document A/61/142 that the Secretary-General should be requested to prepare a comprehensive report on the rule of law, focusing on the specific areas mentioned in the document, so as to facilitate future debate. It also supported the proposal that different sub-topics, prioritized on the basis of the current world situation, should be chosen for the purpose of annual deliberations. The structure of the report should follow the approach taken by the International Law Commission. It was to be hoped that all decisions in that regard would be made in full consultation with Member States.

40. **Mr. Tajima** (Japan) said that Japan attached great importance to safeguarding the rule of law at the national and international levels. It appreciated the Committee's work on codification, incorporating the input of the International Law Commission, and looked forward to further consideration of the issues currently being addressed by the Commission, including the issue of shared natural resources. In the future, it might be useful to refer to the Commission's work concerning the relationships among international norms that had developed as different areas of international law, such as the relationship between humanitarian law and human rights law.

41. When incorporating international law into domestic law, Japan gave thorough consideration to the obligations into which it was entering. If existing domestic law did not fulfil those obligations, new laws were enacted. Japan also assisted other countries, particularly the members of the Association of Southeast Asian Nations, with capacity-building in relation to the rule of law, for example, by organizing seminars to promote accession to the international conventions on terrorism. Discussions under the current agenda item would allow such national and regional experiences to be shared at the international level. It might be worthwhile to identify the practical difficulties faced by Member States in applying international law within their domestic law and to request relevant legal advice on a collective basis from the Office of Legal Affairs.

42. The peaceful settlement of disputes constituted the foundation of international peace and security. In that context, Japan commended the work of the International Court of Justice and the International Tribunal for the Law of the Sea and encouraged them to pursue further interaction with States, such as the recent meetings held between their Presidents and members of the Committee. It was to be hoped that Member States would make the best possible use of both bodies, including by requesting advisory opinions through international organizations.

43. It would be premature to say that Member States fully embraced the goals to be achieved under the

current agenda item. His delegation would therefore be following the debate with great interest.

44. **Mr. Duan** Jielong (China) said that strengthening the rule of law would help to maintain peace, promote development and enhance cooperation. The achievements of the various organs of the United Nations system in the development, codification, clarification and enforcement of the rule of law at the international level were considerable.

45. His Government attached great importance to the rule of international law and had a record of putting it into practice. In the 1950s, China, India and Myanmar had advocated the Five Principles of Peaceful Coexistence, which had since gained general acceptance around the world and had become guiding principles for relations between States. In the current international situation, his Government aimed to build a harmonious world by upholding democracy and equality in order to achieve coordination and cooperation, upholding harmony and mutual trust in order to realize common security, upholding fairness and mutual benefit in order to achieve common development, and upholding tolerance and openness in order to promote dialogue among civilizations.

46. His Government adhered to the principles of international law, including the Charter of the United Nations and the international treaties to which it was a party. China had also gradually increased its participation in the formulation of international treaties in various fields. It had acceded to more than 300 multilateral treaties and signed more than 17,000 bilateral treaties and other international instruments.

47. His Government had always favoured the settlement of international disputes by peaceful means. It had resolved the issues of the Hong Kong and Macao Special Administrative Regions through diplomatic negotiations with the Governments of the United Kingdom and Portugal respectively, thus setting an example for the peaceful resolution of situations inherited from the past.

48. China supported the strengthening of cooperation to punish the most serious international crimes. It had participated in the work of the International Military Tribunal for the Far East after the Second World War and had supported the establishment of the International Criminal Tribunals for Rwanda and the Former Yugoslavia. It had also supported the establishment of the International Criminal Court and had played an active role in the negotiations on its Statute.

49. In order to strengthen the rule of law at the international level, it was important not only to formulate provisions of international law, but also to implement them. First, the authority of the Charter of the United Nations, whose purposes and principles were recognized as mandatory legal norms, must be maintained. Second, the rule of law at the international level required that international matters should be addressed jointly, through negotiations in which countries participated on an equal footing. Third, international treaties, principles of customary international law and the binding decisions of the Security Council should be strictly adhered to by all countries. No country was above international law nor had the right to apply it selectively. Fourth, given the increasing number of international judicial organs, efforts were required in order to ensure the uniform application of international law and to reduce the negative impact of the fragmentation of international law while ensuring that those organs fulfilled their functions properly. Fifth, international legislation should be further enhanced, particularly the international legal regimes for nuclear non-proliferation and the prevention of the weaponization of outer space.

50. The rule of law also played an important role in conflict prevention and post-conflict social reconstruction. A number of principles should be observed when helping countries to develop the rule of law at the national level. First, the development of the rule of law in a given country was by nature a sovereign matter. National sovereignty should therefore be fully respected and there should be no interference in a country's internal affairs without its consent. Assistance should be of a financial and technical nature, focusing on capacity-building, since a country's capacity to strengthen the rule of law hinged on its stability and level of economic and social development. Second, assistance to other countries in developing the rule of law should be provided within the framework and under the leadership of the United Nations. Third, the rule of law at the national level should be developed on the basis of the particular situation of the country in question, taking into account its political system and historical and cultural traditions. Strengthening the rule of law in order to promote peace, development and cooperation was the

common responsibility of all States. China stood ready to contribute to international efforts to that end.

51. **Ms. Ramos Rodríguez** (Cuba) reaffirmed her delegation's faith in multilateralism and its commitment to the purposes and principles of the United Nations Charter and to international law. Her country was concerned about the Security Council's increasing tendency to interfere in matters that fell within the competence of the General Assembly, as stipulated in Article 13 of the Charter. The General Assembly was the main deliberative, policymaking and representative organ of the United Nations and played a role in standard-setting and the codification of international law, as had been reaffirmed in the 2005 World Summit Outcome. It was even competent to deal with questions relating to international peace and security, as provided in Articles 10 to 14 and 35 of the Charter and rules 7 to 10 of its rules of procedure and as had, indeed, been recognized on several occasions by the International Court of Justice. While such questions were the primary responsibility of the Security Council, they were not its exclusive responsibility. The proper balance between the principal organs of the United Nations should be maintained, in accordance with the Charter.

52. At the international level, the rule of law was expressed through respect for international law, including the Charter, and was endangered by the existence of double standards, the unilateral exercise of criminal and civil jurisdiction outside national courts and non-compliance with the obligations laid down in international agreements. Only if the rules of international law were respected by all States, large and small, would it be possible to establish a just and lasting peace in the world, in accordance with the purposes and principles of the Charter of the United Nations.

53. **Mr. Kanu** (Sierra Leone) said that his delegation had been calling for the inclusion of an item on "the rule of law principles in international law" in the agenda of the International Law Commission, and it therefore welcomed the Sixth Committee's consideration of the rule of law at the national and international levels. Sierra Leone attached great importance to the rule of law, the breakdown of which had caused a decade of civil war in his country. That breakdown had been due to a corrupt body politic that had been inept in all aspects of good governance, hence the request made in June 2000 by President Alhaji Ahmad Tejan Kabbah for the establishment of the Special Court for Sierra Leone. The restoration of the rule of law was essential for the sustainable resolution of conflict and the rebuilding of a just society.

54. The Security Council was the principal organ responsible for the maintenance of international peace and security, and that role was intrinsically linked to the promotion of international law and the rule of law in international relations. The Council had been very proactive in enhancing that role, most recently by establishing ad hoc tribunals to address impunity. Those tribunals had sent a clear message to those most responsible for heinous crimes that offended the conscience of mankind that they could run but they could not hide.

55. However, strengthening international law and the rule of law was not the exclusive domain of the Security Council. The current debate in the Sixth Committee gave credence to the view that the General Assembly also had a significant role to play in that regard. Indeed, the corpus of *opinio juris sive necessitatis* of the Assembly had played an important role in strengthening the rule of law and contributing to the progressive development of international law. In addition, the world now had a permanent international criminal court that would contribute significantly to the promotion of international law, the rule of law and justice. Universal acceptance of its Statute was therefore imperative.

56. The experience of Sierra Leone and other countries emerging from conflict indicated clearly that there was a gap in the international community's capacity to respond promptly to impunity. The "Justice Rapid Response" mechanism — an initiative launched by Germany and supported by like-minded States, including his own — could help to fill that gap and improve the international community's ability to demand accountability for genocide, war crimes and crimes against humanity and to ensure that international law, the rule of law and justice played an integral part in post-conflict peacebuilding. Nevertheless, much remained to be done at the international level to further the rule of law in international relations. All Member States must respect the Charter of the United Nations and the international conventions to which they were parties. The members of the Security Council, which was the custodian and embodiment of the rule of law in international

relations, should set the example of how the rule of law was to be maintained at the international level.

57. **Mr. Chidyausiku** (Zimbabwe) said the rule of law was the bedrock of all democratic legal systems. His own country respected and upheld the rule of law, which protected the constitutional rights of its citizens. He welcomed the increased focus on the international rule of law, as a means of achieving a just and equitable international legal order. The presumption of innocence, which was the basic tenet of criminal justice, should be applied at both the national and international levels. His delegation therefore condemned as unlawful the continued detention without charge of prisoners at Guantánamo Bay. He endorsed the request to the Secretary-General for detailed regular reports on the question of the rule of law at both the national and international levels.

58. **Mr. Charles** (Trinidad and Tobago) welcomed the inclusion of the item under consideration in the agenda of the current session of the General Assembly for it was a tangible response to the call at the 2005 World Summit for efforts to ensure universal adherence to and implementation of the rule of law at the national and international levels. It was indeed incumbent on the international community to strengthen the rule of law both nationally and internationally, since it could be argued that its erosion or collapse was at the basis of existing conflicts within and between nations. It was a pillar of his country's democracy: the Constitution of Trinidad and Tobago, supplemented by other laws and United Nations instruments, guaranteed fundamental rights and freedoms for all under the control of an independent judiciary. The rule of law also safeguarded his country's vital interests: a rule-based international system helped to protect its borders against the drug trade and ensured the defence of its sovereignty, territorial integrity and independence.

59. Trinidad and Tobago recognized the importance of discharging its international legal obligations, whether under treaties or customary international law, and was mindful of the need to incorporate them into its domestic law as appropriate. It accordingly encouraged its nationals, particularly lawyers and judges, to benefit from capacity-building and training provided by various United Nations system bodies, so as to enable them to interpret and apply international treaties at a time of increasing recourse to globalized rules. Trinidad and Tobago subscribed to the principle of the pacific settlement of disputes and urged all States to do likewise, in accordance with Article 33 of the Charter of the United Nations; it had witnessed at first hand the benefits that accrued therefrom. As one of the earliest advocates of the establishment of the International Criminal Court, it was particularly concerned about cases of impunity; he accordingly welcomed the entry into force of the Rome Statute, since it would ensure the prosecution of the perpetrators of criminal acts without exception. He concluded by calling for increased contributions to the Trust Fund set up by the Secretary-General to assist States in the settlement of disputes through the International Court of Justice, as a means of strengthening the rule of law in international affairs.

60. **Mr. Maqungo** (South Africa), referring to the proposal that a sub-topic should be chosen each year to which the Committee and the Secretary-General's report could devote particular attention suggested that the category of treaties selected for the annual treaty event should be linked to that sub-topic. That would contribute to increased ratification of international treaties and provide the occasion for a general debate during which States could be encouraged to report on their own experience in that regard. While the Sixth Committee's agenda had tended in the past to focus on the security aspects of international law, its developmental and socio-economic aspects were an important pillar of peace and security and, in addition, offered a link with the theme of the current session of the General Assembly. It would also be useful if the Secretariat could identify areas in the 2005 World Summit Outcome that lent themselves to follow-up action, particularly by the Sixth Committee, in the context of promoting the rule of law.

61. The question of the rule of law at the international level could not be reduced to the adoption or ratification of international instruments but should also include action to entrench the legitimacy of international law. The latter was closely linked to promotion of the rule of law and in that connection the Sixth Committee might wish to consider the implications of the latter with regard to the principle of the sovereign equality of States. In particular, the Committee might consider the extent to which international law was respected equally by all States and the impact of power on the equal application of international law. Another aspect of the legitimacy of international law concerned the binding nature of decisions taken by the Security Council under Chapter VII of the Charter, which made it necessary for

the Council to pay due attention to the rule of law and the constraints of international law. There was a need to examine the limits of the powers vested in the Council under Chapter VII and more particularly the question on whether the Council had absolute discretion to determine the existence of a threat to peace under Article 39 or to take measures under Articles 40, 41 and 42. That would require consideration of the relationship between various United Nations organs, in particular the General Assembly, the Security Council and the International Court of Justice.

62. **Ms. Malecela** (United Republic of Tanzania) said that, as a country committed to upholding the rule of law, the United Republic of Tanzania supported the work of all the United Nations judicial bodies that were working to end impunity for all those accused of genocide, war crimes, crimes against humanity and ethnic cleansing. It had ratified most of the core human rights instruments and accordingly played a significant role in promoting and protecting human rights at the national, regional and international levels. It had always observed the principles of non-use of force and the sovereignty, equality and rights to self-determination and integrity of all States. It recognized the 2005 World Summit Outcome as a landmark achievement in the development of the rule of law that could, if its goals were fulfilled, result in economic growth, poverty eradication and the elimination of hunger. In recent years there had been serious violations of basic human rights in many parts of the world; such situations needed to be addressed without delay in accordance with international law. If political considerations prevented the Security Council from taking the necessary steps, the international community must be prepared to act on the basis of consensus. She urged all Member States to adhere to the Geneva Conventions and their Additional Protocols, which offered an interface between international humanitarian law and international human rights law, and to implement the 2005 World Summit Outcome, thereby serving the ends of international peace, security and development and bringing out the true meaning of the rule of law.

63. **Ms. Kaewpanya** (Thailand) said that the rule of law was a timely topic for consideration because it was crucial at both the national and the international levels. At the national level, it should be developed in the light of each country's circumstances, particularly in post-conflict situations. At the international level, it was essential for international peace and security; it depended on the discharge by States of their international treaty obligations, in accordance with the principle of *pacta sunt servanda*, and both facilitated and was promoted by the development of domestic legislation. Her delegation accordingly appreciated the consistent contribution made by the specialized bodies of the United Nations to the progressive development of international law and jurisprudence and encouraged all Member States to accede to all international conventions, both within and outside the United Nations system, especially those that codified customary international law. Her delegation supported the proposal to organize an annual treaty event on the occasion of the general debate in the General Assembly, as that would encourage Member States to become parties to existing international instruments, and was in favour of periodic briefings and seminars organized by the Office of Legal Affairs to enhance understanding of, and promote compliance with, international law.

64. With regard to the future of the item, it might be useful to discuss the possibility of preparing a legislative guide that would help States parties to implement their treaty obligations. Capacity-building was a crucial factor in that regard, particularly for developing countries, and likewise deserved attention; it could be extended to encompass the reinforcement of public awareness at the national level, with a view to creating support for required changes in domestic laws, training of government officials, lawmakers, lawyers and others. The discussion should be framed thematically and timed to coincide with the treaty event or to respond to the current global situation and should not duplicate the work of other United Nations bodies.

65. **Mr. You** Ki-jun (Republic of Korea) welcomed the General Assembly's consideration of the rule of law at the national and international levels and expressed thanks to Liechtenstein and Mexico for proposing the inclusion of the item in the agenda of the current session. The rule of law meant that that governmental authority could be legitimately exercised only in accordance with written, publicly disclosed laws, adopted and enforced in accordance with established procedures decided by the Government. It was intended to be a safeguard against arbitrary governance, at least in its national dimension.

66. The international and national dimensions of the rule of law were closely interlinked. However, the concept of the rule of law per se said nothing about the justness of the laws themselves; it related simply to how the legal system upheld the law. The Assembly's discussion of the rule of law at the national and international levels should therefore not be equated with a discussion of whether a particular legal system was right or wrong. The international legal order should serve as a framework for peaceful relations and as a source of rights and obligations for States, not generate more disputes among nations. International legal standards — in particular article 34 of the Vienna Convention on the Law of Treaties, which established that a treaty did not create either obligations or rights for a third State without its consent — should be followed.

67. Strengthening the rule of law at the international level could have a direct impact on, but could not guarantee, the rule of law at the national level. Strengthening the rule of law might mean ensuring compliance with decisions of international judicial bodies. But everyone was aware that, when the stakes were very high, States might behave in certain ways that clearly challenged the legal requirements laid down in the Charter of the United Nations. It also had to be recognized that there was no clear rule as to which mode of dispute settlement was preferred among those provided for in Article 33 of the Charter.

68. In recent years, the United Nations had greatly improved its mechanisms for strengthening the rule of law at the national level, particularly in post-conflict situations. At the international level, however, a considerable gap remained. While the General Assembly had contributed a great deal, in particular through the work of the Sixth Committee, its efforts to develop and codify international law in a number of specific areas were not being carried out within a coherent global framework for the rule of law. As the chief deliberative, policymaking and representative organ of the United Nations, the Assembly was uniquely positioned to fill that gap and to promote universal adherence to the concept of the rule of law, especially at the international level.

69. He agreed that the General Assembly's discussion of the item in 2007 should ideally be based on a comprehensive report by the Secretary-General, and, in principle, he had no objection to the establishment of the proposed rule of law assistance unit within the Secretariat.

70. **Ms. Kaplan** (Israel) said that there was need to develop and promote the rule of law at all levels because it was a crucial element of democratic society. The 1948 Declaration of Independence of the State of Israel had rested on strict adherence to the rule of law. Although Israel did not yet have an official constitution, basic laws and judicial rulings protected a number of crucial human rights from any unjustified infringement by governmental authorities.

71. Democracy could prevail only when all persons, institutions and public and private entities, including the State itself, submitted to the rule of law. Moreover, promoting the rule of law at the national level was an essential precondition for strengthening the international legal order.

72. Since the rule of law was fundamental to conflict resolution and nation-building the international community ought to join forces in securing the rule of law in young developing democratic countries. Moreover, the rule of law offered a basis for dialogue between States and nations. Israel was pleased to have engaged in legal dialogues with other States and to have been invited to provide assistance and training for countries seeking to establish legal systems or enhance the rule of law.

73. International cooperation aimed at promoting the pre-eminence of the rule of law at the international and national levels would greatly improve international relations, the stability of emerging democracies and the application of internationally recognized human rights.

74. **Mr. Anwar** (India) said that the rule of law was often advanced as a solution to the abuse of government power, economic stagnation and corruption. It was considered essential to the promotion of democracy, human rights, free and fair markets and to the battle against international crime and terrorism. It was also seen as an indispensable component for promoting peace in post-conflict societies. The rule of law might therefore have a different meaning and content depending on the objective assigned to it.

75. At the national level, in democratic societies, the rule of law was meant as strict adherence to a set of specific rules enforced by an independent judiciary. Those rules had to guarantee due process and conform

to a higher set of norms predicated on international treaties or the principles of natural justice.

76. In the international context, supranational institutions set up to promote the rule of law must themselves comply with the standards of democratic accountability which were in turn a prerequisite of the rule of law. That meant that the development of international law was a function of the General Assembly and not the Security Council.

77. As far as the honouring of obligations under international conventions was concerned, a country would derive optimal benefits from the use of a particular regulatory regime only if the appropriate implementing legislation existed at the national level. The rule of law therefore helped to strengthen the linkage between municipal and international law and to promote international law.

78. The setting up of a unit with a broad mandate to provide assistance in regard to the rule of law would be useful. The dissemination of regular information about the action taken by the General Assembly and other international organizations would help to identify and evaluate new trends in international law, since "soft law", in the form of guidelines, recommendations and other non-binding texts, often played a significant role in the development of contemporary international law and endeavours to amend it.

79. The provision of information concerning treaties concluded in the context of the law of the sea would also be beneficial, because many United Nations agencies and other international and regional organizations had a mandate wholly or partly related to the law of the sea. Such a dispersal of authority led to overlapping competence and hampered cooperation and coordination. All those bodies had a plethora of hard-law and soft-law instruments covering a broad range of issues connected with the law of the sea. It would clearly be advantageous to receive information on that subject from just one source.

80. A rule of law unit would have crucial functions with regard to the provision of technical assistance, but they should not replicate those already being performed by other specialized agencies and United Nations bodies, virtually all of which ran technical assistance programmes to support Governments in their implementation and interpretation of conventions. Nevertheless, no arrangements existed for the institutional dissemination of information about the activities of the International Court of Justice or the International Law Commission or for the examination of the impact of those activities on the development of international law. That was a gap that a rule of law unit could fill.

81. **Mr. Popkov** (Belarus) said that the rule of law was a goal to which the international community had long aspired. It had taken firmer shape with the framing of the Charter of the United Nations and with it, of the principles forming the basis of modern international law. Over the course of time, those principles had proved to be the criteria of legality in international relations. The problems evoked by those who argued in favour of updating the Charter principles in the light of modern developments stemmed not from the principles themselves, but from the absence of political will to deal with difficult situations within the limits set by international law. Certainly, that law could not be static; it had to adapt to changing situations, but the process of adaptation should be gradual and in accordance with the generally accepted rules for the framing of international legal norms. For his delegation, the rule of law meant consolidating the fundamentals of international law through the codification and progressive development of international legal rules. Since the Sixth Committee and the International Law Commission made such an important contribution in that respect, it was regrettable that the Committee was unable to reach a consensus on the adoption of a number of significant texts developed by the Commission to strengthen the rule of law, such as the articles on responsibility of States for internationally wrongful acts.

82. The advisory jurisdiction of the International Court of Justice was underused. Increasing the Court's advisory role would result in the adoption of sounder decisions, in an international legal sense, by the principal organs and agencies of the United Nations system. The use of unclear or ambiguous language in international legal instruments should be avoided. Contradictory wording tended to result in outcomes which defeated the object of the law for the sake of convenient political solutions.

83. Discussion of the rule of law within the Sixth Committee should be confined to the international legal aspects of the question, to avoid trespassing in the areas of competence of other United Nations organs. The question of assistance to States in post-conflict situations should be left to the Peacebuilding

Commission and the United Nations development agencies. The question of legal assistance from the Secretariat in bringing about the rule of law at the national level could be confined to assistance in implementing key international treaties adopted under the auspices of the United Nations. That task called for cooperation with other United Nations organs, programmes and funds, and with international financial institutions. The Secretariat could also do much to disseminate knowledge of international law, and thus to strengthen the rule of law, by means of seminars, conferences and similar educational projects.

84. His delegation wished to propose for consideration by the Committee the convening of a congress on international law or on the problem of the rule of law, at which scholars and international law practitioners would discuss the most pressing problems of international law and the prospects for solving them. An event of that nature had already been organized within the United Nations during the Decade for International Law.

85. **Mr. Lamine** (Algeria) said that his Government attached great importance to respect for the rule of law. The latter was not, however, confined to the adoption of conventions and recommendations; it also meant ensuring the legality of those instruments and compliance with them.

86. Socio-economic development was closely associated with the development of the rule of law. The General Assembly had a leading role to play in encouraging and coordinating efforts to that end. The international community should not, however, take the place of local authorities in instituting the rule of law, but should provide them with the requisite support for their endeavours in that respect.

87. Respecting the rules of international law and making sure that the decisions of international courts were enforced would help to inculcate a rule of law culture. Unfortunately strategic and geopolitical stakes often prompted some international actors to depart from the objective, accepted interpretation of established international standards.

88. International conventions on international terrorism had introduced the obligation to extradite or prosecute with a view to ending abuses of the right of asylum and bringing persons implicated in acts of terrorism to trial. He therefore hailed the fact that the International Law Commission had started to examine, develop and codify the principle of *aut dedere aut judicare* in order to end the impunity of terrorists.

89. The International Court of Justice played a vital role in bolstering the rule of law. Member States should be encouraged to turn to the Court in order to settle their differences peaceably and avoid the use of force. The numerous decisions issued by the Court since its foundation had in fact done much to consolidate the rule of law.

90. The delimitation of the powers of the General Assembly and the Security Council was an issue which should be discussed in the context of the rule of law, since the continual erosion of the Assembly's prerogatives had been reflected in the Security Council's increasingly frequent recourse to thematic resolutions which were inconsistent with the Council's chief prerogative as set forth in the Charter of the United Nations. If the Council were to abide by its mandate, that would enhance good governance at the international level and set a good example.

91. It would be impossible to restore the rule of law at the national level so long as dangerously aberrant behaviour jeopardized the most fundamental legal principles, including those relating to human rights and international humanitarian law. The silence in which the international community had witnessed the tragedy experienced by the Lebanese and Palestinian peoples revealed the precarious nature, if not to say the absence, of the rule of law at the international level and a strangely selective perception of respect for human rights.

92. **Mr. Kuzmin** (Russian Federation) said that, no matter how States' views on the notion of the rule of law might differ, it should be possible to agree that the might is right approach to international relations must be replaced by the force of law. The founders of the United Nations had been striving to realize that very principle when they adopted the Charter of the United Nations and the 2005 World Summit Outcome had acknowledged its importance for peaceful coexistence and cooperation between States.

93. What did strict adherence to the rule of law entail? It was no secret that what was needed, first and foremost, was political will on the part of States to accept and honour obligations. Much could be done to influence that will if the General Assembly were to concentrate on perfecting the processes of standard-

setting and the application of the norms of international law.

94. As a first stage in the consideration of the topic, the Secretariat could be requested to conduct a review of existing General Assembly mechanisms in that sphere in order to propose ways of improving them. The General Assembly and the Sixth Committee made a substantial contribution to the codification and progressive development of international law. Conventions had been drawn up and adopted on the basis of drafts prepared by the International Law Commission and the United Nations Commission on International Trade Law. Many of those conventions had laid the foundations of current international law and had helped to stabilize and ensure the predictability of international relations in a variety of domains, which meant that they had promoted the establishment of the rule of law.

95. The current trend was, however, against the formulation of conventions and other legally binding texts resting on drafts presented by the International Law Commission. Perhaps that tendency had been related to the specific nature of the topics considered by the Commission in recent years. It would be useful to ponder the means of increasing cooperation between the International Law Commission and the General Assembly. It might likewise be possible to ask the expert organs he had mentioned to consider ways of enhancing their contribution to the development of international law.

96. Improving the implementation of international legal standards offered plenty of scope for action. The efforts deployed by the Secretariat, in its capacity of depositary of international treaties, to boost the number of parties to them were commendable. Nevertheless, accession to international treaties was a sovereign right of States and the Organization could only urge them to become a party to such instruments. But quality must not be forgotten in the pursuit of more parties to treaties. Formal accession in itself was not enough; a State must conscientiously fulfil its treaty obligations. Many States were struggling to pass the appropriate implementing legislation. Several United Nations bodies were engaged in the drafting of model laws, or were providing States with technical assistance in the drafting of the relevant national legislation, but such activities were confined to a limited number of fields. The expansion of such activities in cooperation with other organizations should therefore be considered.

97. Another important element of the fulfilling of obligations was their subsequent coherent application. In recent decades, the ambit of international law had broadened substantially. The fairly independent fashion in which many of its branches were developing could lead to a conflict between the various obligations accepted by States. For that reason, the International Law Commission's examination of the fragmentation of international law was most useful and its findings should be studied when the Committee deliberated the rule of law.

98. Furthermore, the Committee should give some thought to the formulation of appropriate rules of responsibility in order to prevent the violation of international obligations. As part of efforts to strengthen the principle of the rule of law, the Committee would be well advised to take another look at the articles on the responsibility of States for internationally wrongful acts and to consider the preparation of an international convention based on those articles.

99. It was hard to draw a precise line between the rule of law at the national and international levels. If it were possible to achieve progress in the conscientious fulfilment of international obligations that would have a spin-off at the national level. Special attention should be paid to conflict and post-conflict situations, since the international community had been fairly active, but not always successful, in that sphere over the previous ten years. The models applied to societies in conflict had often been imported wholesale and had not been adapted to the specific needs and characteristics of countries and regions. The tribunals established to punish those guilty for igniting the conflicts had not maintained consistently high standards of impartiality, had been far from the country in question and had not promoted the restoration of national judicial systems.

100. It was necessary to learn from those lessons and to correct the line taken by the international community. In that connection, it might be wise to consider the possible role of a rule of law division responding to an intergovernmental organ, the Sixth Committee or the Peacebuilding Commission.

**Agenda item 100: Measures to eliminate international terrorism** (*continued*) (A/61/37, A/61/178, A/61/210 and Add.1, and A/61/280)

101. **The Chairman** said that several delegations had expressed an interest in establishing a working group to continue the work of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. He therefore took it that it was the general wish of the Committee to do so.

102. *It was so decided.*

103. **The Chairman** said that the Chairman of the Ad Hoc Committee, Mr. Perera (Sri Lanka), was available to serve as chairman of the working group. He took it that the Committee wished to elect him to that office.

104. *It was so decided.*

105. **The Chairman** said it was his understanding that the working group would continue to carry out the mandate of the Ad Hoc Committee as contained in paragraph 21 of General Assembly resolution 60/43 of 8 December 2005. The working group would focus mainly on a briefing by the chairman on his bilateral contacts with delegations on the draft comprehensive convention on international terrorism and on the convening of a high-level conference. Pursuant to paragraph 9 of General Assembly resolution 51/210, the Ad Hoc Committee was open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency. He took it that the Committee wished that formula to be applied to the working group.

106. *It was so decided.*

*The meeting rose at 1.10 p.m.*